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CASE 4-21001B

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

SCHUPP ET AL.

APPLICATION NO: 10/042,665

FILED: JANUARY 9, 2002

FOR: RIFAMYCIN BIOSYNTHESIS GENE CLUSTER

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

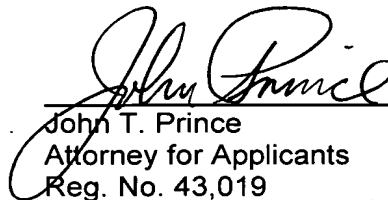
Sir:

In response to the restriction requirement of March 9, 2004, Applicants hereby elect Group V, claims 19-22, 24-26, drawn to DNA fragments from *Amycolatopsis mediterranei* which comprise DNA involved in rifamycin synthesis, vectors comprising said DNA, probes comprising said DNA, host organisms comprising said vectors, classified in class 536, subclass 23.1 and 435, subclasses 252.1 and 320.1.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
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(617) 871-3346  
Dated: April 8, 2004

  
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